

1 IN THE KING COUNTY DISTRICT COURT

2 REDMOND, WASHINGTON

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4 CHER SCARLETT,)

5 Plaintiff,)

6 v.) Case No. 22CIV01704

7 ASHLEY GJOVIK,) Appeal No. 22-2-03849-7 SEA

8 Defendant.)

9

10 HEARING

11 The Honorable Lisa Napoli O'Toole Presiding

12 March 1, 2022

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A P P E A R A N C E S

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3 On Behalf of Plaintiff:

4 CHER SCARLETT

5 Pro Se

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9 On Behalf of Defendant:

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2 March 1, 2022

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4 THE CLERK: -- Judge O'Toole presiding.

5 THE COURT: Thank you. Please be seated. Welcome to King
6 County District Court here in Redmond. I guess we're
7 waiting for -- oh, there's Mr. Blair. Okay.

8 If you could lower that.

9 THE CLERK: Okay.

10 THE COURT: All right. Let me get my Zoom up and running
11 as well.

12 And you're Ms. Scarlett, correct?

13 MS. SCARLETT: Yeah.

14 THE COURT: You can go ahead and have a seat at one of the
15 tables.

16 All right. This is the matter of Cher Swan Scarlett v.
17 Ashley Marie Gjovik, which is 22CIV01704KCX.

18 Ms. Gjovik now has counsel, Mr. Blair. Ms. Gjovik and
19 Mr. Blair are attending by Zoom today. Ms. Scarlett is
20 present in the courtroom.

21 Mr. Blair, I'll let you go ahead and make your appearance.

22 MR. BLAIR: Good afternoon, Your Honor. For the record,
23 my name is Mark Blair. I'm the attorney for the respondent,
24 Ms. Gjovik.

25 THE COURT: All right. Thank you. So we're here today

1 for a full order hearing.

2 And, Mr. Blair, are you ready to proceed? I see you just
3 filed your notice of appearance recently.

4 MR. BLAIR: Yes, Your Honor. I've actually been on the
5 case longer than that. There was a technical issue with the
6 filing, but I'm prepared. I did provide a copy of all of
7 our filings to the petitioner by email. I think she may
8 already have had them, but just as an abundance of caution,
9 I sent that with my NOA, I think, two days ago. So we're
10 ready to go, Your Honor.

11 THE COURT: All right. So as I mentioned at our last
12 hearing, the Court in trying to determine whether to issue
13 an antiharassment order looks at our antiharassment
14 protection order statute. That, of course is RCW 10.14.

15 What the Court is looking for is whether there is a
16 pattern of activity by Ms. Gjovik directed towards
17 Ms. Scarlett that serves no lawful purpose that would cause
18 any reasonable person to be placed in emotional distress or
19 placed in fear. The standard is preponderance of the
20 evidence.

21 So what that means, Ms. Scarlett, basically is that the
22 Court has to find that more likely than not these events
23 occurred and it satisfies the standard of harassment.

24 So we'll start, Ms. Scarlett, and have you raise -- well,
25 let me tell you how the procedure will work. So first --

1 you'll testify first. You're the petitioner, so you go
2 first. You get to give your sworn testimony. Mr. Blair may
3 have questions for you. And any documents you want me to
4 view that haven't already been filed, you can certainly
5 provide to our clerk as exhibits.

6 Ms. Gjovik will go second. She'll get to give her sworn
7 testimony. It sounds like their documents have been loaded
8 into electronic court records. Mr. Blair has indicated he's
9 provided you with those.

10 And then toward the end, both parties will have the
11 opportunity to make whatever closing arguments they might
12 like. Mr. Blair would be arguing why the order shouldn't be
13 issued, and then you could state why you believe the order
14 should be issued.

15 So let me ask, though -- we'll start, Ms. Scarlett, with
16 you -- whether you want to make an opening statement, just a
17 general statement about the case or whether you just wish to
18 go right into your testimony.

19 MS. SCARLETT: You know, I had this whole thing written
20 out, which I filed. But ultimately, you know, Ashley and I
21 had a disagreement and I shared some opinions, which she has
22 shared. And in December she took it upon herself to start,
23 like, defaming me. Making statements that were untrue that
24 caused other people to harass me. She also started posting
25 about my family, my personal life.

1 And in January, when she filed her NLRB charge, which I'm
2 not -- I'm not asking her to do that -- she took it upon
3 herself to publish information that the NLRB said that they
4 would have redacted if they were the ones making that data
5 that she is publishing available.

6 I feel that she has infringed upon my rights, and it has
7 caused me damage in my relationships and my family. And I
8 have been pushed to the brink while I'm trying to find a
9 job. And no one deserves this. And the only thing that I
10 am asking is that she please stop and respect my rights to
11 have the privacy of what I decide to be public be public and
12 not republish information about myself or my family that
13 even the State of Washington has determined is not of public
14 interest.

15 THE COURT: All right. And, Mr. Blair, your opening
16 remarks if you care to make any.

17 MR. BLAIR: No opening remarks, Your Honor. I'm ready to
18 ask questions when the opportunity arises.

19 THE COURT: Sure.

20 So he doesn't want to make an opening statement, that's
21 fine.

22 So, Ms. Scarlett, I'm going to have you raise your right
23 hand, please. And do you swear or affirm you'll testify
24 truthfully in this proceeding?

25 MS. SCARLETT: I do.

1

2 CHER SCARLETT, Witness herein, having first been
3 duly sworn on oath, was examined
4 and testified as follows:

5

6 THE COURT: Thank you. And I should note that of
7 course -- and I think I mentioned this at our last
8 hearing -- Mr. Blair wasn't on board at that time -- but I
9 advised both Ms. Scarlett and Ms. Gjovik that there is
10 nothing about the NLRB matter that this Court will be able
11 to determine in any shape, way or form. We don't have
12 jurisdiction over that, of course.

13 And that the only narrow little issue that this Court has
14 jurisdiction over in a protection order hearing is whether
15 there should be a protection order issued, whether this
16 rises to the level of harassment.

17 So all of the details of the NLRB claim and work-related
18 claims are not at issue here because we can't determine
19 them. This isn't an opportunity to take a deposition
20 related to the NLRB claim. This is solely limited to
21 whether Ms. Gjovik has taken action against Ms. Scarlett
22 that would rise to the level of harassment.

23 So I realize you may need a little latitude in terms of
24 background that you may wish to provide, but again, this is
25 not the opportunity for the NLRB hearing nor is it the

1 opportunity to engage in discovery related to that hearing.

2 All right. So, Ms. Scarlett, if you could start from
3 scratch telling me when and how you knew Ms. Gjovik and what
4 she has done that has caused you to seek this order.

5 MS. SCARLETT: So her and I both worked at Apple. We
6 became acquainted with each other through workplace
7 activism. Her and I were on opposite ends of where we
8 thought the direction of a particular piece of activism
9 should go.

10 Because I was personally impacted by what she was saying,
11 I felt that it would be best if I left the group, so I did
12 so. Some people asked why, so I gave a statement saying
13 why. I did not say it was her fault. And I didn't look at
14 it that way.

15 She reached out to me again later and she said that she
16 was impressed by the way that I stand up for other people.
17 And so I gave it another chance and started assisting her
18 and her assisting me. Mainly, I gave her -- I at the time
19 had, you know, around like 45,000 followers on Twitter, and
20 she didn't have very many at all. I started lifting up, you
21 know, what she was going through at Apple and supporting
22 her, and a lot of people followed her off of my platform.
23 And so initially I was being very supportive of her.

24 Unfortunately, some of the things that she started to say
25 publicly were not matching up with what she was saying

1 privately and in some cases also publicly.

2 I privately expressed some concerns to a few people. I
3 never said anything about it publicly with the exception on
4 the application Blind, I did write a post saying that I
5 believed that it was going to be difficult for her to
6 prove -- or win a retaliatory discharge case because she had
7 done what Apple was claiming, and that I wasn't concerned
8 about her financially, but I was concerned about her for
9 other reasons because of the way that she was representing
10 herself and just being concerned for another woman going
11 through anything.

12 But with the exception of that, I never said anything
13 about her publicly and, you know, she -- there were members
14 of the press because we were both involved sort of in, you
15 know, separate workplace activism things. I have my own
16 NLRB charge that's pending. And journalists were reaching
17 out to me asking me to verify some of the things that she
18 had said, and I couldn't do that because I care with telling
19 the truth. Whether it comes to me, whether it comes to
20 other people, I am not out to get anyone, I simply want
21 things to -- I care with the outcome and the outcome is
22 dependent on people representing themselves accurately and
23 fairly.

24 I didn't realize at the time what I was getting myself
25 into about her, but several people started reaching out

1 including journalists saying that she was saying things off
2 the record about me that were extremely negative, and I
3 still tried to remain cordial with her. I reached out to
4 her a couple of times about some of the things that other
5 people were concerned with that I shared concerns with,
6 again, privately, and none of that ever really landed very
7 well.

8 And then publicly, I asked her about a case that she was
9 posting about. And she tried to make it seem like I was
10 trying to dox, though the plaintiff in the case, when I
11 wasn't. So I deleted all of those Tweets.

12 And then interestingly enough, later she posted that case,
13 which had both the person's name and the case number in it.
14 So I don't really understand what her big issue was with
15 that. But I dropped it at that point. And then her and I
16 blocked each other. And nothing really happened for a long
17 time there until -- that was in September of 2021, the
18 beginning of September.

19 And then in December -- well, there was something that
20 happened with somebody else that was separate where her and
21 I disagreed and she convinced another woman that I was also
22 writing her out of the press, when I was actually actively
23 trying to get this woman press coverage, which I told Ashley
24 in the email that I later sent to her.

25 But in December, Ashley started naming me and claiming

1 that I was doing and saying things that I wasn't doing. It
2 started out kind of minor, just saying that I was bullying
3 her. I didn't really say anything about it because a lot of
4 people were like, you know what, if somebody asks you about
5 this, just share both sides. I did not -- because of the
6 size of my platform, if I call somebody out on my Twitter as
7 in doing something to me or lying, it is going to cause a
8 huge pile on and cause them to be bullied, not necessarily
9 because that's the intention of my followers, but just
10 because that's the way that the platform works. And I did
11 not want anything negative to happen to her. I did not want
12 her to have any negative feelings.

13 So when it continued to escalate and escalate and escalate
14 because she believed that random accounts who disagreed with
15 her or were editing her Wikipedia or what have you or me
16 into talking with my family, posting about them, posting my
17 previous legal name, knowing full well that I had changed my
18 name for a safety concern. I reached out to somebody who I
19 had had a falling out with and pleaded with her that her and
20 I reconcile and if she could try to work things out between
21 Ashley and I.

22 I told her I would sign, you know, whatever document. I
23 said she's -- you know, she's in school to become a lawyer,
24 I will sign whatever document she wants. And she came up
25 with a totally lopsided agreement that said that I would

1 never mention her name to anyone at all, never talk about
2 her anywhere and she would simply stop talking about me on
3 Twitter. And I said that I would agree to that.

4 And then suddenly it turned into that she wanted me to
5 post about her Go Fund Me on Twitter, that she wanted me to
6 publicly apologize for things that I hadn't done on Twitter.
7 And the person that I was speaking with told me that she
8 felt that Ashley was trying to extort me and that I should
9 call the FBI and report it as extortion, so that's what I
10 did.

11 From there it continued to escalate. I had -- during this
12 conversation, I had begged for Ashley to remove the private
13 and personal information about my family, and in addition
14 the clearly defamatory things that she was saying that was
15 not true. And she essentially just laughed about it,
16 calling me a psycho, saying that I tried to destroy her as a
17 reason that she thought it was okay to treat another person
18 this way.

19 She does not have any proof that I was person or people
20 who were writing things that she didn't like. She just
21 decided that it was me and that I was going to pay for it.
22 And she told mutuals that because -- I had reached out to a
23 mutual friend at the time -- who is no longer a friend of
24 mine, who has actually provided written testimony in this --
25 that I was concerned because something that Ashley told her

1 was not what Ashley had communicated to me multiple times,
2 and all I suggested was to protect herself, she reach out
3 and at least ask so that she could say that she did before
4 she published possibly defamatory information about a
5 company that was trying to harm all of us.

6 And after that, I came into this courtroom because it had
7 continued to escalate. Saying things that I was trying to
8 destroy her, that I was trying to have her swatted, and
9 that's calling emergency services that are armed in order
10 to -- in the hopes of having them physically harmed. I've
11 never done that. I would never do that. Coercing her.
12 Telling her to remove federal charges. Bullying her.
13 Saying that I'm under investigation by numerous federal
14 agencies and law enforcement.

15 So I wrote her an email after I came to court because
16 ultimately, again, I did not want any of this to harm her
17 career, to harm her, to do further harm to me. And I wrote
18 this email and I was like, look, here's all these
19 misconceptions that you've heard, here's the reality of
20 them. And I even apologized for the things that I said that
21 are nothing, you know, just that one comment that I made.

22 And she decided to escalate further instead. I said that
23 at that point I had no choice but to hire a process server
24 for this proceeding. And the way that she represented that
25 was that I -- a member of Apple's global security hired

1 someone to track down and find her at her home and hand her
2 something physically. So, again, making these statements
3 that are -- not necessarily full on lies, but complete
4 misrepresentations that do nothing but to try to maliciously
5 frame that I have done something that I haven't done.

6 With the NLRB charge -- I'm not bringing up the charge
7 specifically. I'm talking specifically about Ashley --
8 excuse me, Ms. Gjovik, posting -- publishing these things on
9 a platform called Scribd, which actually removed it for
10 account abuse. A platform of her website. These are not
11 government websites that are hosting these, these are things
12 that Ashley -- that Ms. Gjovik is writing herself and
13 publishing herself that she is claiming are related to these
14 federal charges. But they're really just her, and that's
15 who is publishing this information. She's just doing it
16 under the guise that it is federally protected.

17 THE COURT: All right. Can you give me some more
18 specifics? You note in your petition that she's made public
19 health information as well. You just testified that she'd
20 made specific posts about your family, publishing your prior
21 name that you had changed for security reasons. Your
22 petition talks about medical information.

23 So can you give me just some specifics about what it is
24 she's posted publicly about your family and about medical
25 information that you believe was out of context or not

1 appropriate and has caused you concern?

2 MS. SCARLETT: Okay. So for the name, this Tweet is from
3 January 8th, 2022. She says: "Okay, well, it's been an
4 exciting day. I still haven't eaten and I need to do
5 homework for school next week, so I'll just let you all dig
6 through everything I just posted and we'll see if Cheryl's
7 in a more negotiable mood tomorrow. Oh, yeah, her name is
8 Cheryl."

9 On January 11th: "I recommend you send this document
10 retention notice and some sort of cease and desist missive
11 to them now."

12 She lists some people that she believes are involved in
13 some Apple scheme, and in there she lists me as Cher
14 Scarlett/Stewart, which is my former legal last name.

15 On January 9th, 2022, she says: "Listen, I don't usually
16 give a shit about people's personal crap, they can handle
17 their own business. The only reason I'm exposing Cheryl
18 Scarlett's gift is she harassed and bullied and defamed me
19 for months and now she says she's a defense witness for
20 Apple against me."

21 About my mother, she said: "Here's another interesting
22 one. Cher posted about growing up poor like, tract house
23 poor she says. Maybe" -- that's actually not what I said --
24 "but also her mom is over here with tassels on her ottoman
25 and looking like a fucking late '80s, early '90s goddess."

1 And posted a family portrait of my mother and my brother and
2 my sister and I from 1990. And then a bunch of -- two of my
3 Tweets.

4 And then also a page from -- a screenshot from my mom's
5 Facebook that has her name on it and a picture of her living
6 room and her cat.

7 And then my husband's criminal record. And then his name
8 is not in any of her Tweets, I don't think. They're only in
9 the thing that she published on Scribd and her website. And
10 that is where the medical information that I posted is. She
11 had Tweeted it but they were deleted before I got them. But
12 they talk about my bipolar disorder.

13 I am a recovering drug addict. And through all of this, I
14 have -- I've relapsed from the stress and she posted about
15 that.

16 This one -- in the document, it says: "Remove details
17 about Cher's husband, David Reimers being a convicted sex
18 offender. Which is something that was sealed and relieved
19 by the State because of the manifest injustice that was done
20 that we worked really hard to get taken off. It says --

21 THE COURT: So this is a sealed court record?

22 MS. SCARLETT: Yes.

23 THE COURT: Which state?

24 MS. SCARLETT: This state.

25 THE COURT: Washington?

1 MS. SCARLETT: I included the court filings in the -- in
2 what I filed. I can bring them if you'd like.

3 She's posted things that other people posted in this memo
4 that she published. This one says: "You should be more
5 concerned with the health and safety of Alexis" -- which is
6 my daughter -- "who is being raised in an unsafe
7 environment. I've downloaded all of Cher's Tweets and media
8 articles and will be filing a report with Child Protective
9 Services." Which they did.

10 She has some of my Tweets posted in here -- in this thing
11 she's published which talk about that I'm bipolar. Again, I
12 don't understand the purpose or what public interest that
13 would be of.

14 She posted: "How are you claiming to run out of funds
15 when you can afford to support your daughter, but percocet,
16 a snowboard, your husband, and post all of that here. You
17 seem like you're lying with not being able to pay your
18 bills." Poor people can go snowboarding.

19 She posted about the fact that I'm unemployed, that I was
20 in the ER because I -- on December 20th, I overdosed
21 accidentally. That I had Covid. And again with the
22 percocet. All of this -- like, if even you get the 911
23 call, it's redacted by FOIA.

24 She has a post in here from somebody else that says: Cher
25 was soliciting money for her honeymoon fund, and that has my

1 old name and my husband's name and a link to our wedding
2 registry that I assume they found just by searching on the
3 internet.

4 She posted this one that I said: "I live alone with just
5 my daughter. I don't get child support. I also support a
6 second household. My family is -- my family business is my
7 business, not the world's."

8 This one I talk about my addiction and she published that
9 in here. And these ones, again, talk about my bipolar
10 disorder and my ADHD. And in this document, I was mentioned
11 more than 400 times, much of which are republishings of my
12 Tweets. And I don't -- I'm not trying to bring up copyright
13 law. I just asked her again that the personal medical stuff
14 be redacted and instead -- and in this one she posts to my
15 husband's -- the link to my husband's Instagram and his
16 name.

17 THE COURT: I'm sorry; so are you saying that the
18 information about your medical -- various medical
19 conditions, your mother's whereabouts and those sorts of
20 things that she's reposting things that you have already
21 posted on Twitter?

22 MS. SCARLETT: Some of it are things that I posted on
23 Twitter that she's republishing in this document. Some
24 things are things that other people -- I don't know how they
25 found. And then my mother's personal information, she

1 actually posted that -- or my mother's name, she actually
2 posted that stuff.

3 So some of it is her republishing things in this memo.
4 Some of the stuff is her republishing other people's -- the
5 things that other people say that has private information
6 about it that I didn't consent to in this memo. And then
7 some of it is things that she has posted on Twitter herself.

8 THE COURT: All right.

9 MS. SCARLETT: And then she does have in this memo, my
10 former name and my current name at least the last time that
11 I looked at it.

12 THE COURT: Okay.

13 MS. SCARLETT: And I do want to say really fast that after
14 I mentioned that I had hired a process server, she actually
15 did delete a lot of the Tweets that had personal information
16 about it except for two of them.

17 THE COURT: All right. And anything else you want me to
18 know before I ask Mr. Blair if he has any questions for you?

19 MS. SCARLETT: No, I think that's -- oh, and she had
20 filed, like, a complaint with Wikipedia or something because
21 she thought that somebody who was editing her Wikipedia
22 article was me. And they investigated and found that that
23 wasn't her and they contacted me and told me that she had
24 sent them a background report of myself and a background
25 report of my husband and asked me if I wanted any

1 information to be considered in their investigation, and I
2 just sent them a lot of what you -- what I filed here and
3 they banned her from Wikipedia for abusing me or rather
4 harassing me.

5 THE COURT: Okay. All right.

6 Mr. Blair, then, questions that you have for Ms. Scarlett.

7 MR. BLAIR: Yes, thank you, Your Honor.

8

9 C R O S S - E X A M I N A T I O N

10 BY MR. BLAIR:

11 Q. So Ms. Scarlett, first question: Are you bipolar?

12 THE COURT: Wait, wait, wait, wait, wait. Whoa, whoa,
13 whoa, whoa, whoa.

14 MR. BLAIR: Is that an objection, Your Honor?

15 THE COURT: Mr. Blair -- Mr. Blair. You've got an
16 unrepresented individual and this is where you're starting?

17 MR. BLAIR: So if I may, Your Honor, the allegation is
18 that my client is making -- sharing either false information
19 or personal, private information. The allegation is that
20 she said my client said that this individual is bipolar.

21 So it's a factual question that the Court has to address
22 to determine whether there's a false statement or whether
23 it's private, privileged information. I mean, I'm not the
24 one that's sharing it, Your Honor.

25 THE COURT: That's not the standard. That's not the

1 standard in an antiharassment order. Whether it's true or
2 not doesn't matter in an antiharassment order.

3 Ms. Scarlett's already said that's the case. She -- so
4 that's -- she's already offered her testimony.

5 MR. BLAIR: I didn't understand that she said she was,
6 Your Honor -- I understood she said --

7 THE COURT: But that is not the standard in an
8 antiharassment order. Whether she is or whether she isn't
9 is completely irrelevant to this Court's inquiry in this
10 very narrow proceeding.

11 So what we're trying to figure out is whether there's a
12 pattern of activity over time directed at Ms. Scarlett that
13 serves no lawful purpose.

14 And if you want to address -- maybe address your questions
15 toward how any of these postings serves a lawful purpose,
16 that might serve your client well.

17 MR. BLAIR: May I ask questions, Your Honor?

18 THE COURT: Yes, you may, but not that one.

19 MR. BLAIR: Thank you, Your Honor.

20 Q. (By Mr. Blair) Ms. Scarlett, you live here in Washington?

21 A. I do.

22 Q. And Ms. Gjovik, she lives in California; is that right?

23 A. Yes, I assume.

24 Q. Okay. So the communications, the conduct that you're
25 talking about, that is all on Twitter; is that correct?

1 A. That is correct. And her website.

2 Q. So when you're saying -- I'm sorry.

3 A. And Scribd and her website.

4 Q. Online social media communication tools; is that a fair
5 statement?

6 A. I would just say she's using internet.

7 Q. Okay. The communications that you're referencing, are those
8 messages sent directly to you or are they something that she
9 posts to the public at large?

10 A. They are what she is posting to the public, as I have
11 stated.

12 Q. So they are not the equivalent of a text message or an email
13 or a letter or even walking up and saying directly to you
14 something of substance; is that correct?

15 A. That is correct.

16 Q. Okay. And the information that you have accused her of
17 sharing online -- and I use the words private, personal
18 information, that's what you called it -- did I hear you
19 correctly say that the information she shared was obtained
20 from other Tweets or posts from the internet. Did I hear
21 that correctly?

22 A. I said that some of what she has posted in her memo that is
23 published on her website, some of which are Tweets that she
24 is republishing that are mine that contain information that
25 I should be able to control the flow over. Some of it is

1 contained in Tweets that are other people have posted in

2 reply to her, and some of it is things that she has posted.

3 Q. So if I understand correctly, the information that you're

4 accusing her of sharing online is information that was

5 already publicly available to be viewed by anybody else

6 online. Do I have that right?

7 A. Not in the manner in which she is publishing it, no.

8 Q. So let's break it down. When you Tweet something, that's a

9 message that you post on Twitter, your followers can see

10 that, correct?

11 A. That is correct.

12 Q. And they can do what's called a reTweet; is that right?

13 A. That is correct.

14 Q. And a reTweet is I take what you said and I share that in

15 another Tweet so that other people can read it; is that

16 right?

17 A. That is correct.

18 Q. And that's exactly what my client did. She reTweeted what

19 you had already shared on the internet; do I have that

20 right?

21 A. No, because reTweeting is something that you can actually

22 control by blocking someone. Which I blocked her, so she

23 would not be able to reTweet my Tweets. She took my Tweets

24 and published them in a PDF under, you know, the rights that

25 she has in terms of how she -- or what she alleges that

1 these Tweets mean. But I did not give her permission nor

2 does the way that the platform work allow her to republish

3 things on her own website in a manner that is an archival of

4 that information.

5 Q. Do you work for Twitter?

6 A. No.

7 Q. All right. Are you a lawyer?

8 A. No.

9 Q. So can you tell the Court for the authority for your

10 argument that someone can't reTweet what you've Tweeted?

11 Can you just show us some example, some authority that says

12 that when I go on Twitter and I see what you Tweeted, I

13 can't reTweet that?

14 A. Because the blocking mechanism doesn't allow the other

15 person to interact with your Tweets.

16 Q. But they were shared, right? Right?

17 A. Again, you -- what you said is that she reTweeted the

18 Tweets, which I allowed her to do by way of that I posted

19 them on Twitter. I said that, no, she did not reTweet them

20 and the reason she couldn't have reTweeted them is because I

21 blocked her on Twitter which disallows her from interacting

22 with my Tweets --

23 Q. So then how did she --

24 A. She published those -- can I please finish, sir?

25 Q. Sure, go ahead.

1 A. Thank you. She published those Tweets in a PDF and posted
2 them on a different platform called Scribd and then on her
3 website after it was taken down from the platform for
4 abusing that platform.

5 Q. Thank you for the clarification.

6 So let me recap. You put in the public sphere information
7 about yourself that other people could see and then copy,
8 and she took that information and she put into another
9 format. Do I understand that correctly?

10 A. That is correct.

11 Q. All right. And that information that you shared, how many
12 people did you share that with?

13 A. My entire Twitter feed.

14 Q. 45,000?

15 A. 55,000.

16 Q. Okay. Do only people who follow your Twitter feed see that
17 or can anybody see that?

18 A. People who haven't been blocked can see it.

19 Q. Okay. So is it fair to say that it's not private or
20 confidential at the point that 45,000 people have seen it?

21 A. I didn't say the word confidential, I said personal.

22 Q. Okay. So it's not privileged information that someone needs
23 permission to see or share; is that correct?

24 A. No. And that's not what I'm trying to say. What I said in
25 the beginning was that this is something that she is

1 republishing, and if she were to say, send this document to
2 the NLRB and not publish it -- if somebody were to request a
3 copy of this information, even though I have publicly said
4 my name, my medical information, my husband's name, my
5 child's name, all of this information would be redacted in
6 FOIA because of Exemption 6.

7 It is not Ms. Gjovik's decision to decide who to pass out
8 my personal information about. It is my decision, and she
9 has taken that right away from me in a way that to me
10 demonstrates that she intends to do this maliciously.

11 Q. Was any of the information that Ms. Gjovik shared in
12 whatever fashion online, was it inaccurate, false,
13 misleading?

14 A. Are you talking about in general or in regards to the
15 personal and/or private information?

16 Q. Let's start with personal and/or private.

17 A. Some of it was inaccurate, yes.

18 Q. What was inaccurate?

19 A. There are statements that she has posted that are implying
20 things about my husband. She also implied that I didn't
21 grow up poor because my mom was wearing makeup in the only
22 family photo of us that exists, which again she got not from
23 me posting it but from her going to -- or somebody going to
24 my mom's Facebook page and pulling it off of there.

25 And this says that my husband is a registered sex

1 offender, and she also actually posted that later as well.

2 And I believe that's actually in her filings as well. And
3 my husband is not a registered sex offender.

4 Q. So let's talk with Facebook. That's a public platform that
5 anybody can view, correct?

6 A. I mean, you can't view my Facebook. I have it privated.

7 Q. So if your mom has not a private Facebook page, anybody can
8 look at any photo she has and really they can copy whatever
9 she puts there, right?

10 A. I suppose so, yes.

11 Q. Right. And then they could take that copy and they can post
12 it on their website. There's nothing to prevent them from
13 doing that, right?

14 A. Well, no. But the question begs: One, I don't have my -- I
15 don't use my real name on Facebook because I have a large
16 enough audience that people harass me. And I've never
17 posted my mom's name on Twitter or anywhere else publicly,
18 not one time.

19 Q. And the information with your husband, I did read the
20 records. I think he was convicted; isn't that right?

21 A. That order has been sealed. He was 12-year-old.

22 Q. Okay. But he did get convicted at one time, correct?

23 THE COURT: You know, Counsel, we can move on from that.
24 She's made it clear that there's a sealed court record.

25 MR. BLAIR: Thank you, Your Honor. I don't really have

1 any questions of Ms. Scarlett.

2 THE COURT: All right. Thank you.

3 Ms. Scarlett, is there any other evidence -- I mean, any
4 other witnesses or evidence you want me to consider?

5 MS. SCARLETT: I mean, my husband is here, he could speak
6 to how this has personally affected me. But I don't -- I
7 mean, I don't think that that is necessary.

8 I feel like it's just very clear that these -- what she
9 has done here, it does not serve a lawful purpose and all I
10 am asking is that she please stop.

11 THE COURT: Okay. All right. So you're resting your
12 case. You've provided all the documents you want to
13 provide, you've given all the testimony you want to give?
14 Okay. Very good.

15 All right. So, Mr. Blair.

16 MR. BLAIR: Your Honor, I'm -- before I have my client
17 testify, may I confirm that the Court has read her filings?
18 They are fairly lengthy, and I do think they address all
19 issues, and I don't want to repeat anything the Court
20 already knows.

21 THE COURT: Read your client's filings?

22 MR. BLAIR: Yes, Your Honor.

23 THE COURT: Yes. Yeah, I have seen the materials, yes.

24 MR. BLAIR: All right.

25 THE COURT: All any (inaudible).

1

2

D I R E C T E X A M I N A T I O N

3 BY MR. BLAIR:

4 Q. Ms. Gjovik, you've heard the testimony today and you've read
5 everything that was filed. I believe your filings answer
6 all those questions, but I don't want to prevent you from
7 sharing with the Court any relevant information after
8 hearing testimony today.

9 Is there something you feel like we've missed or do you
10 want to address right now that's relevant to the issue of
11 course of conduct directed to her for no legitimate lawful
12 purpose?

13 A. Thank you. And thank you, Your Honor.

14 I feel like my filings, my reply address all the issues.

15 The only thing I would mention is I had no idea that her
16 husband's record was sealed until actually the evidence she
17 submitted for this hearing. It sounds like it was done in
18 the last couple weeks. I would have never tried to evade a
19 court sealing of records like that. Had I known, I would
20 have not shared that.

21 Q. And let me just follow up with one question: To the extent
22 that you had any postings on your Twitter feed or your
23 website about Ms. Scarlett, what's the purpose behind that?
24 What was your reason for posting any information at all?

25 A. Ms. Scarlett has been taking actions towards me for months

1 now, since September, that have caused me great harm. I
2 have two witness statements submitted of people who have
3 seen it firsthand and have testified to actions she's taken
4 in relation to them and me.

5 I just wanted her to leave me alone and to stop, you know,
6 telling people, what I feel are lies about me and trying to
7 hurt my case against Apple. She's caused me an enormous
8 amount of pain, as you can see from my messages with Melissa
9 McEwen, which were just initiated by her trying to get Cher
10 to leave me -- Ms. Scarlett to leave me alone. And I said
11 there that, you know, she's caused me so much depression and
12 anxiety and panic and all I want, as I posted on December
13 31st when I warned Ms. Scarlett that I would go after a
14 restraining order if she didn't leave me alone, is just to
15 be left alone.

16 MR. BLAIR: Thank you, Ms. Gjovik.

17 Your Honor, we don't have anything other -- else to add.
18 I'm happy to go to argument when appropriate.

19 THE COURT: All right. And, Ms. Scarlett, do you have
20 questions you need to have directed towards Ms. Gjovik?

21 MS. SCARLETT: Yes.

22 THE COURT: Which you have to basically direct to me. But
23 she still has to answer them. You get a cross-examination
24 opportunity as well.

25

1 C R O S S - E X A M I N A T I O N

2 BY MS. SCARLETT:

3 Q. Okay. Your Honor, she said that if she had known that the
4 court records was sealed, she wouldn't have said anything.
5 But in her filing, you can see that she posted with it after
6 I emailed her and she was informed that she was going to be
7 served with the process for this --

8 THE COURT: So you want to ask a question about that?

9 Q. (By Ms. Scarlett) Yes. So in the email that she has in
10 hers and I have in mine that she says that she read, I did
11 bring this up and I want to know if she did not read the
12 entirety of the email because in that email, I actually
13 brought up my husband and I explained to her that it
14 happened when he was 12. Can I read that?

15 THE COURT: Yes.

16 Q. (By Ms. Scarlett) "I am asking you to please remove his" --
17 his, being my husband -- "his personal information from your
18 Twitter, your NLRB charge and anywhere else. His criminal
19 history is literally no one's business. He's done his time.
20 He also comes from an abusive home and poverty full of drugs
21 and alcohol. The incident that happened when he was 12
22 years old was a manifest injustice in which he was also a
23 victim to an adult who got found not guilty in a trial. And
24 all of the information about what that adult did was
25 stricken from my husband's case?

1 We've been working with a program in our county to get it
2 all fixed which is why we got married because it's traumatic
3 for him and legally I can speak to his free attorney on his
4 behalf to keep everything moving forward. His life was
5 destroyed by a new judge and he was institutionalized as a
6 child until he was 18. That same judge got us into the
7 program. Words on a piece of paper with no context don't
8 tell you what happened. It is deplorable for you to tell
9 anyone's story based on what you think is public and fact."

10 THE COURT: All right. So what's the -- thank you for
11 that information.

12 Q. (By Ms. Scarlett) I guess I'm asking --

13 THE COURT: The question is?

14 Q. (By Ms. Scarlett) I'm asking if she didn't read that if she
15 didn't seem to understand that it was -- it was all being
16 sealed and taken care of?

17 A. I did read the email to the best of my ability. It made
18 some very harsh accusations against me, so I did have some
19 emotional issues processing all of the 3,000 words. But the
20 email didn't say anything with a court sealing the record.

21 And I'll reiterate, if I knew that the court -- a court
22 sealed his record, I would have respected that. I just did
23 not know that.

24 MS. SCARLETT: Can I ask another question?

25 THE COURT: Of course.

1 MS. SCARLETT: What did you -- or what did Ms. Gjovik
2 think is meant when I said that a -- the court was taking
3 care of it?

4 MR. BLAIR: Your Honor, may I interject? As a lawyer who
5 does sealing, the fact that a court record is sealed does
6 not prevent people in the public from seeing it. I'm sorry,
7 it's not a relevant issue, Your Honor.

8 THE COURT: Pardon me, it's not a what?

9 MR. BLAIR: It's not relevant to the issue before the
10 Court. You can pull up sealed records at any time. It's
11 not private in the sense -- all it does is prevent the court
12 from sharing it. If somebody already has the information of
13 a conviction, the fact that it was sealed later does not
14 prevent someone from disseminating that information. Only
15 the court is prevented from disseminating it. That's what
16 sealing means. It doesn't govern private citizens, so it's
17 really not relevant.

18 MS. SCARLETT: I guess my question --

19 THE COURT: You know, that -- that's counsel's view.

20 Q. (By Ms. Scarlett) My question then is: Did she actually
21 have the juvenile case that was sealed before it was sealed?

22 A. No. I referenced the public records available on the
23 Washington State websites, everything publicly available. I
24 did not get any case records nor did I look for them.

25 Q. One more question then. Which public records did you have

1 access to that you are referencing? Can you name the
2 specific charges?

3 MR. BLAIR: Your Honor, I'm going to object again. Her
4 husband is not the petitioner. It's not about conduct
5 directed at the husband or whether it affected him.

6 THE COURT: Whether --

7 MR. BLAIR: It's with conduct directed at Ms. Scarlett.

8 THE COURT: Overruled. Go ahead.

9 Q. (By Ms. Scarlett) Which charges are you referring to that
10 you said were public?

11 A. I don't have them at hand. But, again, I went through
12 Washington state court systems and searched for public
13 records. So whatever would have come up when I looked, I
14 guess in early January.

15 Q. So not his juvenile record?

16 A. There was failure to register as a sex offender as recently
17 as 2017. There's an additional felony charge for it that I
18 saw. And I believe that's what I referenced.

19 MS. SCARLETT: All right. Thank you.

20 THE COURT: All right. Any other questions you have for
21 Ms. Gjovik?

22 Q. (By Ms. Scarlett) So you mentioned that you had your
23 friends -- we spoke about Dawn, and my conversation with her
24 in which I expressed both concern for her and concern for
25 you over what she had posted. But also, you mentioned my

1 communications with Kate as -- in your witness statements.

2 I actually have those conversations that are being
3 referenced. I'm wondering if you would like to hear them?

4 MR. BLAIR: Is there a question, Your Honor?

5 THE COURT: Yeah, basically right now we're supposed to be
6 asking your questions that you have specifically for
7 Ms. Gjovik.

8 Q. (By Ms. Scarlett) Okay. I guess I'd like to know what
9 conversations did I have with Kate that you viewed were
10 abusive? Do you have any particular comments?

11 A. I don't believe I ever made that allegation.

12 Q. Okay. I'm curious then what her testimony has to do with
13 your harassment of me?

14 MR. BLAIR: Is there a question, Your Honor?

15 THE COURT: Yes, she asked a -- you can repeat your
16 question.

17 Q. (By Ms. Scarlett) My question is: I'm wondering what Kate
18 Rotondo's testimony has to do with your harassment of me?

19 A. Kate's testimony -- and I don't want to speak on Kate's
20 behalf, she wrote a very thoughtful witness statement that
21 she should take at her face value. But she was trying to
22 point out a pattern and practice of not just you harassing
23 us, but as soon as we tried to stand up for ourselves, you
24 began attacking us and saying we were harassing you and
25 trying to cut off communications so we could no longer even

1 defend ourselves against your harassment, I believe was the
2 point. And that seems very relevant to this.

3 Your Honor, as my filings included, the judge directions
4 for domestic violence retaliatory litigation, which is what
5 this very much feels like. If not retaliation for the
6 federal charges, it seems like this is the retaliation for
7 me, asking, pleading for Ms. Scarlett to stop harassing me,
8 which she had been since September and instead she switched
9 the offender and victim.

10 Q. So I wrote you one single email in which I apologized for
11 the two things that I said in one single post. How does
12 that -- you haven't presented anything that I have actually
13 said to be harassment. And when I've asked you -- which
14 again, you just said that I harassed Kate, I have our
15 messages here. She was reTweeting things that you were
16 posting that was defamatory, and I said to her that I
17 blocked her because she was lying about me.

18 MR. BLAIR: Is this a question or is it testimony or
19 argument?

20 MS. SCARLETT: I'm just -- I'm trying to understand how
21 she's both saying that I harassed these other two women,
22 which there is no evidence that I have harassed them, and I
23 have evidence that I was not harassing either of them, and
24 what that has to do with Ms. Gjovik's harassment of me.

25 THE COURT: So what's the --

1 MR. BLAIR: That sounds like an argument, Your Honor.

2 THE COURT: Just tell us the question.

3 Q. (By Ms. Scarlett) Why do you think -- why have you made
4 statements like that that I am stalking anybody who --
5 stalking you, coercing you, harassing you, intimidating you,
6 threatening you, and telling people that bad things will
7 happen to them if they support you?

8 Why were you saying that I was harassing, defaming,
9 swatting, threatening, illegally coercing you to modify
10 federal charges. Why we were saying -- it should be
11 mentioned that I am currently under investigation by
12 numerous federal agencies and law enforcement for federal
13 witness intimidation and obstruction of justice.

14 Why have you said that I'm in active communication with
15 Apple helping Apple in their campaign of harassment, threats
16 and horror against the safety whistle blower. Why did you
17 say I'll report you to Apple if I leak Apple's crimes? Why
18 did you say --

19 MR. BLAIR: Your Honor, can we have some help here? I
20 don't know what she's asking.

21 THE COURT: I just need a question, basically.

22 Q. (By Ms. Scarlett) Why do you -- why do you believe that
23 saying these things about me and posting this personal
24 information about me is for a lawful purpose?

25 THE WITNESS: Your Honor, I'd like to object to this

1 question. She's trying to compel me to testify on my
2 federal charges.

3 THE COURT: Ma'am, you've got an attorney. He'll make
4 whatever objections are necessary.

5 MR. BLAIR: I'm going to object for my client, Your Honor.
6 At this point I don't see a question. What I hear is an
7 argument.

8 THE COURT: She asked a question.

9 MR. BLAIR: That's what I think --

10 THE COURT: She asked a question and it is -- she wants to
11 know how Ms. Gjovik thinks this serves a lawful purpose.

12 MR. BLAIR: What serves a lawful purpose?

13 THE COURT: Her posting the things that she's listed.

14 THE WITNESS: I'll answer --

15 MR. BLAIR: Ms. Gjovik, go ahead.

16 A. Yeah. These are part of my federal and state charges, which
17 have already met prima facie for subsequent harassment after
18 termination of my time at Apple.

19 I'm hesitant to testify to anything specific because it is
20 part of the ongoing investigation.

21 And I will say, I am single handedly representing myself
22 fighting the biggest company in the entire world with a long
23 history of horrible labor abuses and intimidation of anyone
24 challenging it. I'm terrified every single day since I
25 started reporting Apple to the government. I'm terrified

1 for my safety.

2 MR. BLAIR: That's enough, Ms. Gjovik.

3 THE WITNESS: Okay.

4 MR. BLAIR: I don't want to go into that. I think the
5 Court made it clear that that's not relevant. Unless the
6 Court wants to hear more on that -- you know, what I would
7 respond in argument is that it's free speech. You know, you
8 can post whatever you want.

9 But I'll get to that in a minute, Your Honor. That will
10 be the answer to the question. It doesn't have to serve a
11 legitimate lawful purpose if it's protected by free speech.

12 I want to go on the street corner and I want to say Donald
13 Trump's an idiot, I have that right to do that. If I go on
14 the street corner and say he committed rape against someone,
15 that's a factual allegation, and I can be sued for that.

16 So can we go on from this question and get to the argument
17 section?

18 THE COURT: Well, I've heard what answer she's given.

19 Do you have any other questions?

20 MS. SCARLETT: I just have one more question just based
21 off of what her attorney just said.

22 Q. (By Ms. Scarlett) So you're arguing that everything she
23 said, the lawful purpose is free speech, so --

24 THE COURT: We're going to get to argument. I just want
25 to know if you have any more questions for Ms. Gjovik?

1 MS. SCARLETT: No, no.

2 THE COURT: All right. So now that takes us to argument.
3 And so what -- of course, I'm going to remind us that we
4 have a very narrow scope: Whether there's a pattern of
5 activity over time by Ms. Gjovik directed at Ms. Scarlett
6 that serves no lawful purpose that would cause any
7 reasonable person to be placed in fear or suffer emotional
8 distress.

9 And, Ms. Gjovik, the -- or pardon me, Ms. Scarlett, the
10 petition is yours, so you get to go first in your argument,
11 Mr. Blair will then get to give his argument, and then you
12 get rebuttal.

13 So, Ms. Scarlett, go right ahead.

14 MS. SCARLETT: This behavior started in December and it
15 continued on in increasing escalation in terms of what was
16 being posted and the veracity of the defamation increased
17 until I posted on Twitter that I had hired a process server.
18 And then we appeared in court, and that is when it stopped.

19 I am not an employee of Apple. I'm not an agent of Apple.
20 I am not being paid by Apple. I don't even own Apple stock.
21 I don't have the financial resources to get a lawyer.

22 There is no reasonable person who would be able to go
23 through what I have been through because of this on top of
24 all of the other things that I have to deal with in my
25 personal life. And I can't imagine anyone coming into this

1 courtroom and trying to argue that there's lawful person
2 <sic> to say these types of things and post this type of
3 information about people.

4 I understand that some of this she alleges is a part of,
5 you know, something to do with Apple's culture and I respect
6 that. I do not wish to, you know, impede on anyone's free
7 speech, but when those things are taken outside of those
8 legal context: Twitter, Scribd, your personal website,
9 those are not government proceedings.

10 You are going outside of the bounds of the law to do what
11 feels like to me is malicious and intentional just to harm
12 me, to cause me distress, and I only ask you that you please
13 just stop. That's all I want is for you to stop so that I
14 can be okay and my family can be okay and I can just move
15 on. That's it.

16 THE COURT: Thank you.

17 And, Mr. Blair.

18 MR. BLAIR: Thank you, Your Honor. So my response is
19 twofold: First off, is as I understand it, the information
20 that's being shared is via the internet in at least three
21 forms: Twitter, Scribd and one other. As I understand
22 Ms. Scarlett's testimony is she accuses my client of sharing
23 information that she labels personal and private and putting
24 it either a Tweet on her own or on her own website.

25 So my first position is that if you have shared

1 information on the internet with 45,000 followers, you no
2 longer control that information. Anybody, my client, you,
3 me, could take that information and do whatever we want with
4 it. I mean, there's no limitations that I can think of that
5 prevents someone from taking publicly available information
6 and sharing it with someone else and making a comment on it.

7 And that brings me to the second issue. You have the
8 absolute right of free speech. The course of conduct, as
9 it's defined within this statute, does not encompass free
10 speech. So if I want to take issue with statements that
11 Scarlett has shared with her 45,000 followers, I have a
12 right to do that.

13 What limits me is if I make false statement, misleading
14 statements, things that I know are wrong. That's what
15 defamation is. And this is not a forum to fight defamation.
16 If you feel that you've been the victim of libel or slander,
17 then you file a civil lawsuit, you get a judgment and you
18 get an injunction.

19 But this Court doesn't have the jurisdiction over that.
20 That's not the issue before this Court. It's whether my
21 client engaged in a course of conduct directed at
22 Ms. Scarlett that serves no lawful, legitimate purpose and
23 is not protected by free speech.

24 One may question Ms. Gjovik's reason for doing what she
25 did, but she has every right to do it. This is a dialog

1 between two people -- I'm going to rephrase that. It's not
2 actually a dialog. She's not speaking to Ms. Scarlett.
3 There's no communication directly with her. There's no
4 email, there's no text message, there's no letter, there's
5 no showing up at her workplace or home saying, hey, I want
6 to talk to you. This is my client publishing -- and I'm
7 not -- posting information that Ms. Scarlett herself has
8 already put out in the internet. You can't control that any
9 longer.

10 You may disagree with what my client's motive is but
11 that's not a basis for issuing a protection order. One
12 would even question whether the conduct was directed
13 strictly at her when given the information, at least in
14 part, involves information from a family member -- I think
15 it's a picture of her mother -- or her husband's criminal
16 record.

17 And I'm going to be clear on this, Your Honor, I do
18 motions to seal and vacate, that only governs the court.
19 And it doesn't mean the information isn't already out there
20 in the public database. If you have a conviction as a sex
21 offender, you get it vacated, it's still out in the public
22 sphere. You can look it up and it can be posted, and
23 there's no law that prevents you from doing that. You may
24 question my client's motives for doing that but it doesn't
25 prevent her from doing it under this statute.

1 Your Honor, while it's clear that there is animosity
2 between the two people and they should stay away from each
3 other, that would be my advice, there's no basis for issuing
4 an order under the evidence presented today, such as there
5 is, and under the legal documents I've cited to.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 And rebuttal, Ms. Scarlett.

9 MS. SCARLETT: You know, you said that, you know, your
10 client has the right to post this information because of the
11 First Amendment. But in her testimony, she said that the
12 reason that she did so was because of something that I said
13 publicly that she believed to be a lie, and that was that I
14 said that her retaliatory discharge one is going to be tough
15 to prove because she leaked IP. She actually posted the
16 conversation that I had with her about that leaked IP.

17 And it's hard for me to hear her attorney now argue that
18 she has the right to free speech when she did not give me
19 that right myself.

20 That's it.

21 THE COURT: Okay. Thank you. So give me a minute here.

22 All right. So I've certainly heard the testimony, I've
23 reviewed the documents. Both parties have produced a number
24 of documents and a number of written statements, all of
25 those are incorporated in by this reference, including the

1 statements of the witnesses that Ms. Gjovik has submitted,
2 and the filings that both Ms. Gjovik and Ms. Scarlett have
3 filed in our electronic court records, and I do incorporate
4 all of those by this reference. And I've certainly listened
5 to the testimony and argument of all parties.

6 So RCW 10.14 governs our antiharassment statute. And
7 unlawful harassment is a knowing and willful course of
8 conduct directed at a specific person which seriously
9 alarms, annoys, harasses or is detrimental to such person
10 and serves no legitimate or lawful purpose, and the course
11 of conduct is such that would cause a reasonable person to
12 suffer substantial emotional distress and actually cause
13 such emotional distress.

14 The course of conduct is further defined in RCW 10.14.30,
15 and it notes that in determining whether the course of
16 conduct -- pardon me. In determining whether the course of
17 conduct serves any legitimate or lawful purpose the Court
18 should consider whether -- and one of those, subsection 3,
19 is that Respondent's course of conduct appears designed to
20 alarm, annoy and harass.

21 So what I have here, No. 5, which is also an important
22 one, that the respondent's conduct has the purpose of or the
23 effect of unreasonably interfering with Petitioner's privacy
24 or has the purpose or effect of creating an intimidating or
25 hostile living environment.

1 So what I have here is two people who at some point had
2 a -- at least working relationship and that that
3 relationship has deteriorated over time, that there's now a
4 dispute. Both had previously worked for Apple, both were
5 unhappy with things that were going on at Apple. Apparently
6 there's an NLRB claim that both have some role in. And the
7 respondent, Ms. Gjovik, in the course of the unpleasant
8 relationship that came about between these two parties,
9 Ms. Scarlett and Ms. Gjovik, that Ms. Gjovik began
10 publishing things on various mediums, whether it was on her
11 own Twitter, on other mediums or on her own blogs, that were
12 things that were personal to Ms. Scarlett.

13 And while Ms. Scarlett may have posted information, for
14 instance, about her own medical conditions on her own
15 Twitter feed, the reposting of them and the method that was
16 used -- not really a reTweet because she was blocked, but
17 rather copying it, putting it in a PDF, and then reposting
18 it in another medium in her own website is not something
19 that is -- I guess I'm not explaining that very well.

20 When Ms. Scarlett posts something on her own site, it's
21 her followers who see it. When Ms. Gjovik posts something
22 on her website, Ms. Gjovik's website, far more people are
23 going to see it than Ms. Scarlett's followers. Different
24 people are going to see it than Ms. Scarlett's followers.
25 Ms. Scarlett has a set of followers, an audience that she's

1 cultivated, it's not the same as Ms. Gjovik's audience. So
2 she's certainly publishing this information to other people
3 other than those that Ms. Scarlett would have chosen to see
4 that.

5 Now, is it out there? Sure. It's out there because she's
6 got 55,000 followers of her own, Ms. Scarlett does. But
7 does it mean that Ms. Gjovik can repost it to other people?
8 No.

9 The information about her mother, the information about
10 her circumstance of growing up, her mother's home and pet,
11 the information about her husband and a sealed court record
12 or a record that Ms. Gjovik says she had no idea was sealed.
13 Clearly -- there's only one purpose to posting that. That
14 has nothing to do with an NLRB claim.

15 The only purpose in posting information about
16 Ms. Scarlett's mother, Ms. Scarlett's mother's whereabouts,
17 home and pet, Ms. Scarlett's husband and his criminal record
18 is clearly designed to upset Ms. Scarlett.

19 There's no lawful purpose. There is no absolute right to
20 free speech. Free speech can be curtailed in many ways, one
21 of which is a protection order. The protection orders are
22 clear that the course of conduct cannot be designed to
23 alarm, annoy or harass. There's no other purpose for
24 posting these things, none.

25 It isn't -- the antiharassment statute does not require

1 that Ms. Gjovik direct this specifically by directly
2 speaking to her, it's designed -- it prohibits directing
3 this at her. So it can be directed at other people knowing
4 that Ms. Scarlett is going to see it and be aware of it. It
5 can be communicated to others. It doesn't have to be
6 communicated directly to Ms. Scarlett to be prohibited under
7 our antiharassment statute.

8 Posting this kind of information about somebody's medical
9 condition, about someone's spouse's criminal history --
10 particularly when it's sealed, but even if it weren't
11 sealed -- about someone's parents, about someone's name
12 change, none of that serves any lawful purpose to
13 disseminate. The only purpose for doing that is to harass,
14 annoy and alarm.

15 Clearly, Ms. Gjovik has more than a bit of animosity
16 toward Ms. Scarlett. Clearly, she was directing this at her
17 and was hoping to harm her, to upset her. There's no other
18 purpose for this.

19 I am going to issue the order, and I'm going to make it a
20 five-year order.

21 This doesn't affect the NLRB claim. Obviously Ms. Gjovik
22 can participate in other legal proceedings, whether it's an
23 administrative proceeding or a court proceeding. She's
24 obviously going to get to testify in her NLRB proceeding,
25 and she can testify in any legal proceeding she is involved

1 in.

2 But Ms. Gjovik may have no contact with Ms. Scarlett,
3 none. She cannot contact her in any way. She cannot keep
4 her under any kind of surveillance. She cannot be within
5 1,000 feet of Ms. Scarlett's home, her workplace, her
6 person, her vehicle, or anywhere she is present.

7 Ms. Gjovik may not make any statements, any posts or other
8 publications about the petitioner, Ms. Scarlett, including
9 but not limited to -- but not limited to: Petitioner's
10 medical information, petitioner's family, petitioner's names
11 on any social media, any internet or any other medium.
12 Nothing about this order, of course, affects or prohibits
13 the respondent from testifying in administrative or judicial
14 proceedings.

15 This will be entered into the Crime Information Center
16 database. The respondent is present and is informed of
17 this, and so no further service is necessary. This
18 antiharassment protection order lasts until March 1st of
19 2027.

20 A couple months before that date rolls around,
21 Ms. Scarlett, if you believe there's any reason you need to
22 have that extended, you may apply to the court to have it
23 extended.

24 But the two of you -- you know, obviously this order
25 prohibits Ms. Gjovik from having any contact at all with

1 Ms. Scarlett in any shape, way or form.

2 Ms. Scarlett, of course -- I'm not issuing a separate
3 order but of course, no contact with Ms. Gjovik either would
4 be well advised.

5 So that's been added to electronic court records.

6 Mr. Blair, you can, of course, provide a copy to your
7 client. And we are going to provide a copy to Ms. Scarlett
8 because she is present.

9 Thank you, everyone, for your presentations. All right.

10 MR. BLAIR: So the Court's telling her to have no contact
11 with her when there's been no allegations she's -- they live
12 in different states, Your Honor.

13 THE COURT: Mr. Blair.

14 MR. BLAIR: Yes, Your Honor, what?

15 THE COURT: Clearly this contact has been going on via the
16 internet. It doesn't matter whether they're in the same
17 state or they're not.

18 MR. BLAIR: So how does the Court have jurisdiction?

19 THE COURT: The Court has jurisdiction over anything that
20 is received by Ms. Scarlett. We enter protection orders
21 over --

22 MR. BLAIR: No messages have been sent to Ms. Scarlett.
23 These are postings on the internet that --

24 THE COURT: That are designed --

25 MR. BLAIR: -- Ms. Scarlett has to go find.

1 THE COURT: -- that are designed to get to Ms. Scarlett.

2 MR. BLAIR: That's not what the statute says.

3 THE COURT: As I said, there is -- you know, I'm not going
4 to argue with you about it.

5 MR. BLAIR: Well, you know --

6 THE COURT: You can certainly appeal this. You're welcome
7 to do that.

8 MR. BLAIR: I absolutely will appeal it.

9 THE COURT: But the communication -- the communication
10 itself does not have to be directed to her. It only has to
11 be directed at her.

12 MR. BLAIR: No communication took place in this state. My
13 client lives in California. Where is the Court's
14 jurisdiction?

15 THE COURT: The Court has jurisdiction over the
16 communications that are designed to reach her via the
17 internet.

18 You're welcome to appeal. I'm not going to argue further.
19 I've issued the order and --

20 MR. BLAIR: Thank you, Your Honor.

21 THE COURT: -- you're certainly free to appeal.

22 MS. SCARLETT: Thank you, Your Honor.

23 THE COURT: Thank you very much.

24 And, Ms. Scarlett, if you'd come forward, the clerk will
25 give you -- I've printed a copy of the order. The clerk

1 will give you a copy of that order.

2 MS. SCARLETT: Thank you.

3 (Conclusion of hearing)

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1 C E R T I F I C A T E

2

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